

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Christopher Foster,

Plaintiff,

v.

Ohio Department of  
Rehabilitation & Corrections, *et al.*,

Defendants.

Case No. 2:19-cv-1576

Judge Michael H. Watson

Magistrate Judge Jolson

**OPINION AND ORDER**

Magistrate Judge Jolson issued the most recent Report and Recommendation ("R&R") in this case on October 8, 2019, recommending the Court deny Plaintiff's motion for leave to proceed in forma pauperis and direct Plaintiff, if he intends to pursue this action, to pay the full \$400.00 filing fee within thirty days. R&R, ECF No. 15. Plaintiff timely objected. Obj., ECF No. 16.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has conducted a *de novo* review of the Amended Complaint and R&R. The Court agrees that the Amended Complaint fails to allege that Plaintiff faces an imminent danger of serious physical injury, and Plaintiff's objection is

**OVERRULED.**

The Court **ADOPTS** the R&R and **DENIES** Plaintiff's motion for leave to proceed *in forma pauperis*. If Plaintiff wishes to proceed with this action, he must pay the full \$400.00 filing fee within **THIRTY DAYS**. Failure to timely pay the

filing fee will result in dismissal. The Clerk is **DIRECTED** to mail a copy of the R&R, ECF No. 15, and Plaintiff's Complaints, ECF Nos. 1,2, & 13, to the Warden of the Southern Ohio Correctional Facility. The Clerk shall terminate ECF No. 1.

**IT IS SO ORDERED.**

*/s/ Michael H. Watson*  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**